

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DINÉ CITIZENS AGAINST RUINING
OUR ENVIRONMENT, et al.,

Plaintiffs,

v.

U.S. BUREAU OF LAND MANAGEMENT,
et al.,

Federal Defendants.

Case No. 1:20-cv-00673-KG-JHR

JOINT STATUS REPORT AND MOTION TO EXTEND STAY

Plaintiffs, Federal Defendants, and Defendant-Intervenor EOG Resources, Inc. hereby submit this Joint Status Report pursuant to the Court’s Order of February 10, 2022 (ECF No. 58). As further explained below, the Parties have reached a settlement agreement in principle and seek an extension of the stay of this case by an additional 28 days, until March 16, 2022, to allow the Parties to secure the necessary approvals of that agreement.

Plaintiffs in this case challenge oil and gas leasing decisions by the Bureau of Land Management (“BLM”) pursuant to three lease sales in the Rio Puerco and Farmington Field Offices. On December 21, 2021, Federal Defendants filed a motion seeking voluntary remand of BLM’s leasing decisions without vacatur to allow BLM to review the challenged decisions via its administrative process. ECF No. 47. On January 18, 2022, Plaintiffs and EOG filed responses indicating that they are open to remand, but Plaintiffs seek remand with vacatur while EOG supports remand without vacatur. ECF No. 50 at 1; ECF No. 51 at 1. Then, on January 19, 2022,

Plaintiffs filed a motion for a preliminary injunction. ECF No. 52. That motion seeks, as an alternative remedy to vacatur, an injunction enjoining BLM from approving new Applications for Permit to Drill (“APDs”) on the challenged leases and enjoining further ground disturbance and oil and gas development on the APDs that BLM has already approved. ECF No. 52 at 1.

As explained in the Parties’ previous filings (ECF No. 55 & 57), shortly after Plaintiffs filed their motion for a preliminary injunction, the Parties entered into discussions to determine if they could resolve the concerns raised in that motion outside of motion practice. Those discussions broadened to include the case as a whole. The Parties are now pleased to report that they have reached a settlement agreement in principle that would resolve the entire case.

The Parties respectfully request a continuation of the stay of this case by an additional 28 days, until March 16, 2022, to seek formal approval of the settlement agreement by the appropriate representatives of the Parties. For example, Federal Defendants will need to secure approval of relevant officials within both the U.S. Department of the Interior and the U.S. Department of Justice.

On or before March 16, 2022, the Parties propose that they file a joint motion seeking the Court’s approval of the settlement agreement if they obtain the necessary approvals by that date. If the Parties have not obtained the necessary approvals, the Parties propose that they file a joint status report updating the Court as to the status of the Parties’ discussions and proposing a schedule for future proceedings. To maintain the status quo in the interim, with the exception of developing and producing the single well that has already been spud on the leases, EOG agrees to not engage in any ground-disturbing activity on the challenged leases during the stay period, until March 16, 2022.

Respectfully submitted this 16th day of February, 2022.

s/ Allyson A. Beasley

Allyson A. Beasley

beasley@westernlaw.org

WESTERN ENVIRONMENTAL LAW CENTER

208 Paseo del Pueblo Sur, Unit 602

Taos, New Mexico 87571

(p) 575.224.6260

/s/ Kyle J. Tisdell

Kyle J. Tisdell

tisdell@westernlaw.org

WESTERN ENVIRONMENTAL LAW CENTER

208 Paseo del Pueblo Sur, Unit 602

Taos, New Mexico 87571

(p) 575.613.8050

Counsel for Plaintiffs

TODD KIM

Assistant Attorney General

/s/ Clare Boronow

CLARE BORONOW

Environment and Natural Resources Division

United States Department of Justice

999 18th St.

South Terrace, Suite 370

Denver, CO 80202

Tel.: (303) 844-1362

clare.boronow@usdoj.gov

ANDREW A. SMITH

Senior Trial Attorney

U.S. Department of Justice

Environment and Natural Resources Division

Natural Resources Section

c/o United States Attorney's Office

P.O. Box 607

Albuquerque, New Mexico 87103

505-224-1468

andrew.smith@usdoj.gov

Counsel for Federal Defendants

/s/ John F. Shepherd

John F. Shepherd, P.C. (Colo. Bar. No. 9956)

Holland & Hart LLP

555 Seventeenth Street, Suite 3200

Post Office Box 8749

Denver, Colorado 80201-8749

Phone: (303) 295-8000

Fax: (303) 713-6296

jshepherd@hollandhart.com

Robert J. Sutphin

Holland & Hart LLP

110 North Guadalupe, Ste. 1

Santa Fe, NM

Phone: (505) 988-4421

Fax: (505) 983-6043

rsutphin@hollandhart.com

Hadassah M. Reimer (Wyo. Bar No. 6-3825)

Holland & Hart LLP

25 S. Willow St., Suite 200

Post Office Box 68

Jackson, WY 83001

Phone: (307) 739-9741

Fax: (307) 739-8175

hmreimer@hollandhart.com

~AND~

Ann D. Navaro (D.C. Bar No. 1643328)

BRACEWELL LLP

2001 M Street NW, Suite 900

Washington, DC 20036

Phone: (202) 828-5811

Fax: (800) 404-3970

ann.navaro@bracewell.com

Attorneys for EOG Resources, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2022, I filed the foregoing electronically through the CM/ECF system which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Clare Boronow

Clare Boronow

Attorney for Federal Defendants